IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 745 of 2005(L)

I.A.2480/04 IN OS.648/1995 of PRL.M.C.KOZHIKODE-I
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PETITIONER:

DR.N.VIJAYAN, RESIDING AT 'PRASANNA',
KOTTOOLI AMSOM AND PARAYANCHERI DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.K.V.SOHAN
SRI.R.SUDHISH
SRI.JOYAN.P.ANTONY
SMT.SREEJA SOHAN.K.
SMT.K.AMBILY

RESPONDENTS:
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1. THE GOVERNMENT OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOZHIKODE.

3. THE TAHSILDAR, KOZHIKODE.

4. PARAYANCHERI POURA SAMITHI
REGISTERED COMMITTEE, BEARING REGN.NO.369/2004,
HAVING OFFICE AT 29/707, PARAYANCHERI, MAVOOR ROAD
KOTTOOLI AMSOM&PARAYANCHERI DESOM,KOZHIKODE TALUK
REP.BY ITS SECY.,K.T.RAVEENDRAN S/O.LATE SANKARAN,
R/AT KALATHIL THAZHATHU,PO KUTHIRAVATTOM,
KOZHIKODE TALUK

R4 BY ADV. SRI.T.KRISHNAN UNNI
R1 TO R3 BY GOVT.PLEADER SRI.THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.745/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF ORDER OF PRL.MUNSIFF-I, KOZHIKODE IN I.A.1141/04 IN O.S.648/95 DT.19.3.04.

EXT.P2 – TRUE COPY OF ORDER OF PRL.MUNSIFF-I, KOZHIKODE IN I.A.2480/04 IN DO. DT.23.9.04

PIUS C. KURIAKOSE, J.

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W.P.(C)No.745 OF 2005

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DATED THIS THE 29TH JUNE, 2007

J U D G M E N T

Not that I do not find any force in the submissions of Mr.K.V.Sohan, counsel for the petitioner, supported as they are by authorities rendered by the Supreme Court; but at the same time the question which should be considered is whether Ext.P2 order under which the 4th respondent has been allowed to be impleaded as an additional party is vitiated to such an extent as to warrant correction under the supervisory jurisdiction of this Court. The learned Munsiff, it appears, thought that the presence of the 4th respondent will enable him to completely and effectually adjudicate on the issues involved in the suit. The learned Munsiff has observed that the 4th respondent's application for impleadment has been made bona fide. That being the position, I do not think that this Court will be justified in setting aside Ext.P2 since it cannot be said that the order is so wholly unreasonable as to warrant correction under the supervisory jurisdiction.

The Writ Petition is dismissed.

(PIUS C.KURIAKOSE, JUDGE)

tgl